



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05318-99
22 November 1999

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LCDR [REDACTED] MC, USN [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 16 Aug 99 w/attachments
(2) PERS-85 memo dtd 7 Oct 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show the lineal position, date of rank, and effective date in the grade of lieutenant commander he would have been assigned had he been selected for promotion to that grade by the Fiscal Year (FY) 99 Lieutenant Commander Staff Selection Board, vice the FY 00 Lieutenant Commander Staff Selection Board. His current date of rank and effective date are 1 October 1999.

2. The Board, consisting of Mses. Hardbower and Moidel and Mr. Flood, reviewed Petitioner's allegations of error and injustice on 18 November 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his lieutenant commander date of rank (and by implication, effective date) to 1 October 1998.

CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

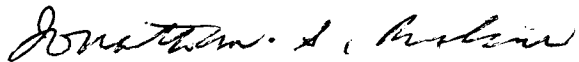
a. That Petitioner's naval record be corrected, where appropriate, to show his date of rank and effective date in the grade of lieutenant commander as 1 October 1998; and that his lineal precedence be adjusted accordingly.

b. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

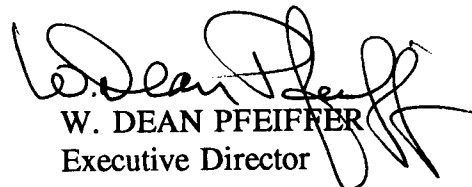
c. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
Ser 85/213
7 Oct 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED] P2P, MC, US [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned recommending approval of LCDR [REDACTED]'s request to backdate his date of rank commensurate with the date which would have resulted from his selection from the FY-99 Active Lieutenant Commander Staff Promotion Selection Board.

2. LT [REDACTED]'s request is supported. He was eligible, but not considered by, the FY-99 Lieutenant Commander Medical Corps Promotion Selection board due to administrative error by BUPERS. He was deferred from consideration by the regular board without appropriate notification. His recall orders as a Medical Corps officer did not provide the standard deferment and waiver notification. Without notification, he presumed he was eligible for board consideration based on his date of rank and lineal number and took no action to waive deferment. He desired to be considered by the board and believed himself to be competitive for promotion. The failure to provide deferment notification resulted in an administrative error that precluded his consideration by the FY-99 board. His record was considered before the FY-00 Active Lieutenant Commander Staff Promotion Selection Board and he was selected. His current date of rank is 1 October 1999.

3. Recommend his date of rank be backdated to 1 October 1998.

[REDACTED]
[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division